

SHER TREMONTE LLP

August 3, 2022

By ECF and By Electronic Mail

The Honorable Paul A. Engelmayer
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Xavier Honrado*, 21-CR-716 (PAE)

Dear Judge Engelmayer:

We write jointly with the government to respectfully request that the Court adjourn tomorrow's status conference and schedule Mr. Honrado's change of plea hearing at a date convenient to the Court in September 2022.

The government first offered Mr. Honrado a written plea agreement in June. Shortly after receiving the plea agreement, I conferred with the AUSAs and requested that they consider certain modifications to the stipulated guidelines range in the plea agreement. By email dated July 19, 2022, the AUSAs initially advised that it could not make the requested modification. I then asked for the opportunity to discuss the request, as well as other issues relevant to the case, at a meeting with the Unit Chiefs of the Narcotics Division. That meeting took place on Monday, August 1, the earliest possible date that all parties could convene. The government has advised that the issues raised in my presentation require further consideration within the United States Attorney's Office and that, understandably, the Office is not able to meaningfully respond to the request and finalize any agreement with me before August 8, the date Your Honor's Deputy proposed for Mr. Honrado's plea. Although the parties do anticipate being available and ready on the week of August 15, we understand that the Court is unavailable that week and that it is not the Court's practice to refer guilty pleas to the magistrate. We understand that August 29, 2022, another date that had been proposed, is also not convenient for the Court.

Because there appear to be no other dates that work for the parties and the Court, and because the additional time is needed to ensure that I can effectively represent my client and negotiate a just disposition, we respectfully request that the Court schedule Mr. Honrado's guilty plea the week after Labor Day on September 6, 7, 8 or 9. Other than a telephonic court conferences in a death eligible case before Judge Azrack at noon on September 6, defense counsel is available at any time during that week.

In addition, the parties jointly apologize for not advising the Court of the possible need to adjourn tomorrow's status conference earlier. We deeply regret the unintended inconvenience to the Court and will ensure that any future requests are timely made.

On behalf of Mr. Honrado, we consent to the exclusion of time under the Speedy Trial Act until the scheduled trial date of September 12, 2022.

We appreciate the Court's consideration and again apologize for the inconvenience.

Respectfully submitted,

/s/ Justine A. Harris


Justine A. Harris

cc: All Counsel (via ECF)

DENIED. Tomorrow's conference will go forward as scheduled. The Court had been notified that a plea was to be entered tomorrow and arranged its schedule accordingly; if a plea is to be entered but tomorrow is premature, the Court expects counsel to make themselves more readily available for a prompt plea proceeding. As this case is scheduled for trial on September 12, 2022, counsel should be prepared tomorrow to set a schedule for pretrial motions and related filings. The Clerk of Court is requested to terminate the motion at Dkt. No. 41.

8/3/2022

SO ORDERED.



PAUL A. ENGBLMAYER
United States District Judge